

REMARKS

This response is filed in order to request that the Examiner immediately withdraw all pending rejections because the rejections include the same errors and additional errors analogous to those which were cited in the appeal brief filed 14 April 2008.

Claims 7, 8, 10 and 13-23 remain in the application. All of the claims have been rejected on new grounds under Section 103. Although the Examiner previously rejected the claims based in whole or part on Carcia (3,740,569) in view of Baker (U.S. 5,555,151), the rejection was withdrawn, the application was withdrawn from appeal and prosecution was re-opened.

The new rejection is based in whole or part on Carcia (3,740,569) in view of Wang (U.S. 6,064,262). However, it has already been argued without response disagreement from the Examiner that Carcia as prior art is, at best, consistent with applicant's description of the prior art and adds nothing to that which was already acknowledged.

Further, as acknowledged in the prior Final Office Action as well as in the most recent, outstanding, Office Action, Carcia fails to disclose a regulating circuit. Consequently, throughout the examination the Examiner has only attempted to combine references in order to argue obviousness of the claimed systems and methods by appending a regulating circuit to Figure 2 of Carcia . However, Carcia already discloses regulating circuits which the Examiner does not acknowledge or remove, and the secondary references cited by the Examiner have consistently failed to provide what is needed to present a rejection based on obviousness.

Previously, the Examiner contended without any credible basis that Baker disclosed a regulating circuit which would control voltage outputs. The combination of components from Baker with Carcia never resulted in that which is claimed. Now the Examiner contends that the differential amplifier of Wang can be somehow construed as a regulating circuit to provide what is otherwise clearly absent from Carcia, Baker and all other prior art. Applicant inquires as to when these efforts to place a square peg in a round hole will cease, as the persistent rejection on insufficient grounds continues to cost the assignee significant resources.

The Examiner is obliged to search and present the best art in the initial office action, and to do so must perform a complete and comprehensive search in order to bring into the record the best prior art. With the Examiner unable to provide a legally sufficient basis to reject the claims it is the duty of the Examiner and the patent office to allow the claims. This is why applicant

appealed the prior final rejection. Merely withdrawing claims from appeal to formulate another defective rejection is wasteful and counterproductive.

In this regard, the following remarks summarize the deficiencies in the rejection of each independent claim. On this basis alone the application should be passed to issuance, but to facilitate allowance certain claims are amended to add clarity and further distinguish over the prior art. For example, claim 22 now recites that circuit modules are provided with DC voltage levels. Other changes of an apparent nature have also been provided.

With regard to the rejection of claim 1 over Carcia in view of Wang, it is again noted that the output terminals 14-17 of the Carcia reference (previously referred to by the Examiner as circuit modules) each provide a DC operating voltage while the new secondary reference, Wang, is relied upon for disclosing a regulating circuit. According to the rejection, the regulating circuit of Wang is to be combined with DC voltage modules of Carcia to meet the terms of independent claim 7. Apparently, having finally conceded that the terminals 11-14 of Carcia are not "communications circuit modules", the Examiner still contends that the Figure 1 circuit of Carcia still includes communications circuit modules (see page 3 of the outstanding Office Action). The Examiner has not defined what components of Carcia are construed to be communications circuit modules, separate and distinct from the recited plurality of power supply components for simultaneously supplying the circuit modules with multiple voltage levels. In order to apply the Carcia reference (under Section 103) to reject claim 1, it appears the Examiner must read the recited "plurality of communications circuit modules each operable at one or more of a plurality of voltages" on the combination of Carcia's battery 18 and regulators 26, 27 and 28, **but** the Office Action is **silent** as to how the claimed element is being read on the prior art. Nonetheless, this results in an absence of structure on which to read the recited plurality of power supply components for simultaneously supplying the circuit modules with multiple voltage levels. As explained at page 7 of the Appeal Brief,

"It is incorrect to read appellants modules on the terminals of the same component which the Examiner uses to read the power supply components on. This error is analogous to double inclusion."

Notwithstanding such, the Examiner continues to ignore this inconsistency.

A further deficiency in the Section 103 rejection of claim 1 resides in the reliance upon disclosure in Wang of a differential amplifier to provide

a regulating circuit connected to control output of at least a first of the power supply components with respect to the maximum permissible voltage level during operation of the communication system, the regulating circuit configured to control voltage output from the first power supply component so that deviation exceeding the maximum permissible voltage level is reduced or prevented.

The Examiner incorrectly describes the differential amplifier circuit 100 of Wang as a regulator and misconstrues Wang's voltage levels V1 and V2 as power supply components. These are simply not components. Furthermore, the recited function of the regulating circuit is absent from the combination. Specifically, applicant requires controlling

output of ... the power supply components with respect to the maximum permissible voltage level ...

and this function is not at all obtainable from the Wang reference. In fact the circuit does not control the maximum permissible voltage level of V_O and the Examiner has apparently misconstrued the function of the differential amplifier circuit. Surely, as described by Wang at col. 3, lines 20-23, the circuit is adjusted so that when the differential input is zero the differential output V_O should be zero. An adjustment may be made (e.g., through control circuit 150) to eliminate variation in transistor characteristics by controlling the threshold voltage of a field effect transistor. While such an adjustment addresses variation, this does not at all relate to the maximum permissible voltage level of the circuit 100. It is well known that, in a differential amplifier, the maximum permissible level is proportional to the difference between the maximum difference in input voltages.

Wang does not disclose any regulation of this output value and it would make no sense to do so. Rather, Wang addresses what is described as the elimination of "unintended characteristic variations or difference [sic] between the transistors Q_1 and Q_2 ." See col. 3, lines 22-28. While the Wang reference provides a control over common mode and differential voltage of the amplifier 100, this control does not relate to controlling the output voltage of power supply components. In fact, it is not seen how the circuit of Wang could be applied to the circuit of Carcia to provide that which is claimed. Applicant expressly requires **"supplying the circuit modules with multiple voltage levels"** and it is one of these voltage levels that the recited regulating circuit controls.

Compare applicant's Figure 1 to a combination of Carcia's Figure 2 and Wang's figures 2 and 3. It is not at all seen how one could combine the specific components of Wang's assemblies

with Carcia to reconstruct the claimed invention. Furthermore, although it is impermissible to do so, it is not even seen how one might reconstruct the Wang reference to create a regulating circuit which operates according to the claimed function. Still furthermore, it has already been stated that the Carcia the Examiner's reading of the Carcia reference is not consistent with the combination of both the plurality of communications circuit modules and the plurality of power supply components recited in claim 7. Thus the rejection fails to provide requisite components to reconstruct the claimed combination and fails to find any teaching or motivation in the prior art which would support making this combination. For all of these reasons the rejection of claim 7 is, again, clear error and must be withdrawn.

The rejection of claim 22, also based on Carcia in view of Wang, is allowable for many of the reasons recited above and more. Claim 22 is directed to reducing or eliminating "deviation of the maximum voltage differential beyond a reference voltage value" where said voltage differential is expressly recited as being between "outputs of at least the first power supply component and one of the other power supply components ..." Clearly the Wang reference does not relate to power supply components and the Carcia reference separately regulates individual voltages with regulators 26, 27, and 28.

Claim 15 was rejected based on Carcia in view of Wang and in further view of Latu (U.S. 6,757,386). However, many or all of the same deficiencies noted above with regard to claims 7 and 22 exist in the rejection of claim 15 as the Examiner has mistakenly relied upon Carcia and Wang for the same reasons as for the other independent claims. Claim 15 requires both circuit modules and a power supply circuit.

The Examiner has not read both of these features on the Carcia reference. Again, Carcia discloses regulators 26, 27 and 28 while the Examiner seeks to incorporate the regulating circuit of claim 15 therein. It is not understood how the Examiner can contrive such a combination and the Examiner has made no attempt to combine the references. Rather, the rejection merely attempts to read pieces of the claim upon pieces in different references and leaves the reader perplexed as to how the Examiner could connect the dots.

Conclusion

The claims have been shown to be non-obvious over the art of record and the prior art cannot even be combined to recreate that which is claimed. The Examiner withdrew the claims from appeal based on similar deficiencies. Now it is time to allow the claims.

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The Examiner is again requested to pass this application to issuance. If the Examiner fails to do so the Examiner must provide full support for the argument with which the rejections might be sustained. To the best of applicant's knowledge there is no basis to respond that the above argument should not be persuasive. The Examiner has not carried and cannot carry the requisite burden to reject the claims because the invention is non-obvious.

The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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